



FAO: Leeds City Council's
Entertainment Licensing Team

**Gipton & Harehills Ward
Labour Councillors
Councillor Arif Hussain
Councillor Salma Arif
Councillor Ashgar Ali**
Civic Hall
Leeds, LS1 1UR



1st Dec 2023

To Whom It May Concern

Subject: Licence Review, Potraviny Danko, 39 Compton Road PREM/03596/004

As ward Councillors we are writing to **support** the licence review of Potraviny Danko on Compton Road.

Compton Road sits adjacent to one of Harehills' main arteries, Harehills Lane. Harehills Lane is a thoroughfare which is already saturated with retail outlets legally selling alcohol.

To put this into context, along Harehills Lane and Harehills Road, approximately 70% of shops are selling alcohol. These alcohol outlets sit – quite literally – adjacent to people's homes, children's schools as well as places of worship. Harehills is a densely populated neighbourhood; a place where what happens on the street has a huge impact on the local community.

According to the 2019 Index of Multiple Deprivation, Gipton & Harehills Ward has 17 Lower Super Output Areas (LSOAs) that are amongst the 10% most deprived in the country. That is more than any other Ward in Leeds. Coupled with this cumulative deprivation is the fact that Gipton & Harehills Ward is:

- Gipton and Harehills is second most populated Ward in Leeds with 33,645 residents living in 12,400 properties; nearly 10% of homes are classed as overcrowded.
- The Ward is both young and dynamic; 29.5% of residents are children and young people aged 14 or under. 53% of the population is aged 29 or under.
- 4,303 children and young people aged 0-15 in Gipton & Harehills live in the most income deprived households in England.

- Whilst 62.4% of the population is economically active; long term unemployment is double the Leeds average and those that have never worked is at 15.2%, which is nearly four times the Leeds average. Women from the Ward active in the job market is also notably lower than the Leeds average.
- 33.3% of working age people are receiving universal credit.
- Gipton and Harehills Ward is very diverse, with 63% of the population identifying as being from an ethnic minority; 72% of households reported that English was a first language.
- As a migration hub, the Ward has hundreds of languages spoken and numerous faiths live in close proximity (75% of households identify as being religious against a Leeds average of 65%).
- Nearly 56% of households don't have access to a car or van.
- Fuel poverty for the Ward stands at 29.9%, 8.4% of households don't have central heating.
- Crime is higher than the Leeds average with violence and sexual assault, public order, ASB and criminal damage presenting as the main issues

Source: <https://observatory.leeds.gov.uk/deprivation>

Numerous residents, both young and old and of all faiths and backgrounds, have talked to all three of us about their experiences of drink related abuse and violence on their doorstep. This behaviour as led to damage to property, broken glass, urine and worse left on the pavements outside of people's homes.

Against this backdrop, the idea that a business in Harehills could be not only operating illegally but compounding these issues by selling alcohol to underage children, as well as illicit tobacco products, is simply staggering.

Such is the scale of alcohol related issues in Harehills, a Cumulative Impact Assessment (CIA) was introduced by the council in early 2019 and has been re-drafted and enlarged in November 2022; this enlarged area now includes the site of Potraviny Danko:

<https://democracy.leeds.gov.uk/documents/g11973/Public%20reports%20pack%2029th-Nov-2022%2010.00%20Licensing%20Committee.pdf?T=10> The response from Harehills residents to the CIA consultation was both compelling and shocking, but sadly not surprising.

Indeed, we feel passionately that this licence should be reviewed in light of the compelling evidence presented by the Police, as letting this business trade illegally would be seriously damaging to the health of the people of Harehills. Be that a concern for local residents, parents and children who may witness anti-social behaviour on their doorstep as the result of alcohol abuse, or the threat posed to the vulnerable children who due to its relative "affordability" may be exposed to illegal alcohol and tobacco products that they otherwise wouldn't have access to.

For over three years, a dedicated partnership made up of local Cllrs, council officers, the Police and representatives from the community and voluntary sector have sought to address the issue of problem drinking in Harehills. Problem street drinking is a tragic but inevitable bi-product of the availability of cheap alcohol, sold from numerous outlets, at all hours.

This latest development around the sale of illegal alcohol to children is a major concern. The following paragraphs outline the arduous journey that has been undertaken to help tackle problem drinking in adults in Harehills. To think that potentially another generation of our children could be embarking on this path because of access to illegal alcohol is frankly terrifying and cannot be allowed to happen.

To expand, the multi-agency partnership is taking-up this complex challenge is on several fronts. Focus is being given to disruption, which includes enforcing the existing Public Space Protection Order (PSPO: <https://www.leeds.gov.uk/antisocial-behaviour-and-crime/public-spaces-protection-orders/harehills-pspo>) and serving injunctions on the more troublesome street drinkers.

In tandem to this approach, there is also a concerted effort to engage with this cohort of drinkers to address their needs around addiction. This work has proven challenging for the partnership given the obvious tension between balancing the imperative to support individuals who are addicted to alcohol and the concerns of the wider community who are suffering because of their actions. A constant pressure for the partnership is allowing the space and time for the outreach work to pay dividends whilst demonstrating to residents that this issue is being taken seriously via enforcement activity that reduces unacceptable levels of anti-social behaviour.

Genuine relationships are being forged under difficult circumstances by Touchstone's dedicated outreach worker who has conducted numerous visits to the Harehills area to date. Allied to this, alcohol supply has sought to have been addressed through the continued defence of the council's Cumulative Impact Assessment (CIA) and the opposition of any new off licenses; four applications have been declined in recent times, but tens of off-licences remain in a less than two-mile square radius. A prominent derelict site on Compton Road has also been target hardened following work by Cleaner Neighbourhoods Team colleagues, as it was a magnet for street drinkers.

Ward Members from both Gipton and Harehills and Burmantofts and Richmond Hill have committed funding for the Touchstone outreach worker, with group sessions for this cohort taking place at a local café on Harehills Lane. Encouragingly, around 12-15 people now regularly attend and engage with support services at these sessions, with over 129 individuals with alcohol dependency issues attending since October 2021.

Incremental progress is being made with two attendees in rehab; one individual is not attending due to "now working" and some of those who attended on a regular basis are now staying at home, in a relationship or visiting family i.e. positive lifestyle changes. Most refrain from drinking to attend the session then go home afterwards. Furthermore, some clients changed their drinking behaviour and reported increased confidence and self-worth. In addition, there was a take up of new registrations with Forward Leeds, who supported the drop in sessions.

Allied to this, colleagues in Leeds Anti-Social Behaviour Team, along with the Police and the Safer, Stronger Communities Team are constantly working in partnership using all the available legislation including the Anti-Social Behaviour Crime and Policing Act 2014 to address the issue of problem street drinking and associated community concerns.

The innovative use of 'Closure Orders', granted under anti-social behaviour legislation further bolstered the existing PSPO in the area for a time. The Closure Order, which denied access to a specific area if people are in possession of an open container of alcohol, also gave officers additional powers to ensure there was the necessary balanced approach that allowed officers to support the needs of the community as well as the needs of a group of individuals with very serious challenges around addiction.

East Leeds Neighbourhood Policing Team undertook the following action in relation to the Closure Order, which ran from December 2021 until June 2022:

- 92 x individuals issued with warnings
- 36 x individuals reported for summons to court, for breaching the order and previous warnings issued
- 7 x individuals arrested for offences including breach of the closure order, breach of bail and drunk and disorderly.
- 3 x individuals prosecuted and fined in court, for breaching the partial closure order

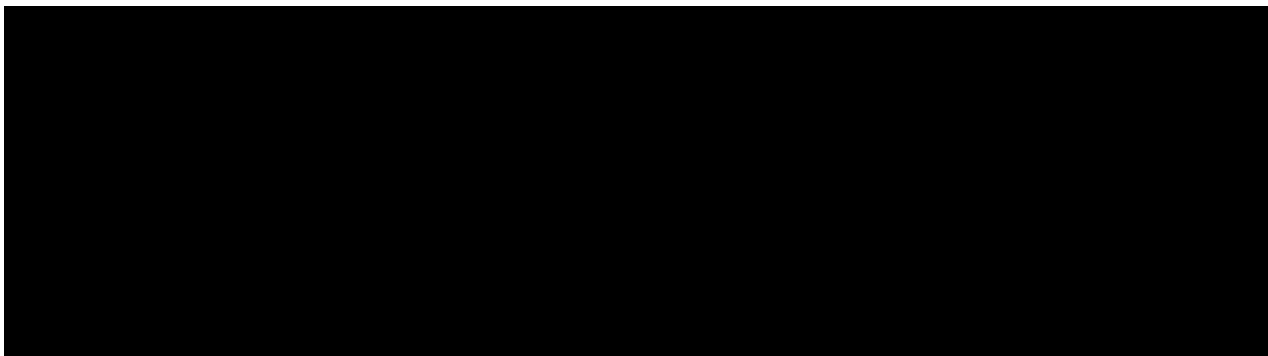
Closure Order: <https://www.westyorkshire.police.uk/news-appeals/new-powers-tackle-street-drinking-harehills-leeds>

As a community, along with the council, statutory services and local community and voluntary sector groups we are exhaustively trying to redress the current imbalance in an area where alcohol misuse is having a detrimental effect on the lives of residents.

Ignoring the very real and serious concerns raised by the Police in this licence review, will be slap on the faces of everyone who has campaigned for the CIA, the PSPO, the closure order as well as those working hard to support people with alcohol addiction and those wanting a safer future for themselves and their children.

As Ward Councillors, we hope you will consider the concerns raised above and come to the decision that Harehills does not need, want or deserve an off license selling illegal alcohol and tobacco.

We say with a united voice, please consider the impact on our children, they deserve



Interested Party Representation (Form IPR1)



Section 1 – Licence application details

Please indicate as appropriate :

- I wish to object to the following application:
 I wish to support the following application:

Applicant premises name and address: Potraviny Danko, 39 Compton Road, Leeds, LS97BJ

Section 2 – Your personal details

NB: If you are acting as a representative, please go to Section 3.

Title Mr Mrs Miss Other _____

Surname

██████

██████████

██████

Address (incl postcode):

Leeds City Council, Public Health (Alcohol and Drugs Team), ████████████████████

Please note that a full copy of your representation (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

Please refer to our Guidance Note – GN-M Guidance on making representations for further information and alternative options.

Section 3 – Representative details

If you are representing someone else, please complete details below

Name of Representative/
Organisation

N/A

Full postal address
(Incl postcode)

N/A

Please indicate capacity:

- Representative of Residents Association
 MP
specify) _____
- Ward Councillor
 Trade Association
- Parish Council
 Other (please

Section 4 – Representation grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<table> <tr> <td>Prevention of crime and disorder</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Prevention of public nuisance</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Protection of children from harm</td> <td>X <input type="checkbox"/></td> </tr> <tr> <td>Public safety</td> <td>X <input type="checkbox"/></td> </tr> </table>	Prevention of crime and disorder	X <input type="checkbox"/>	Prevention of public nuisance	X <input type="checkbox"/>	Protection of children from harm	X <input type="checkbox"/>	Public safety	X <input type="checkbox"/>
Prevention of crime and disorder	X <input type="checkbox"/>								
Prevention of public nuisance	X <input type="checkbox"/>								
Protection of children from harm	X <input type="checkbox"/>								
Public safety	X <input type="checkbox"/>								

Please select:

I object to the application being granted at all.

I object to the application being granted in its current form*

*If you choose this option, remember to tell us in the next section what changes you would prefer to see.

The grounds of the representation is based on the following:

I would like to make a public health objection to the application of Potraviny Danko, 39 Compton Road LS97BJ.

Regarding the above application, I would like to bring to your attention the negative impact this premises has. There are concerns regarding the potential harm to children, crime and disorder and public safety.

I would like to strongly object to this license on the following grounds.

After two years of the coronavirus pandemic, levels of alcohol consumption and alcohol harms have increased across Leeds, and they have disproportionately affected areas of multiple deprivation such as Burmantofts/Richmond Hill and Harehills. Much work has successfully been undertaken by Ward Councillors, the Police, and the Council’s Safer Stronger Communities Team to make Harehills a more attractive and safer (retail) area. Their success in reducing street drinking and crime levels will be significantly undermined.

Following visits from trading standards and West Yorkshire Police it was found that the premises was selling non-duty paid alcohol and illegal tobacco. Furthermore, on a number of separate occasions the premises sold alcohol to police cadets who were under the age of 18, showing that they are not promoting the licencing objectives. I am objecting to the continuation of this licence for the protection of children from harm.

Leeds City Council has produced a matrix to estimate alcohol harm for each Middle Super Output Area (MSOA) in Leeds. Each MSOA is given an overall score which places the MSOA into a comparative city-wide risk rating. There are 107 MSOA’s in Leeds. LS9 7BJ was awarded an overall harm from alcohol related risk as **11 out of 107 MSOAs**, putting it within the **high** risk of alcohol-related harm category. It also has a deprivation score of **2 out of 107**, with a risk rating of **very high**.

Analysis of the individual scores on the matrix contribute to creating a fuller picture of the local community and will be highlighted forthwith with reference to the criteria.

Protection of children from harm -

This area has a **very high count** of off licenses in Leeds and is **risk rated as very high with a rank rating of 6**. By allowing this off-licence premises to continue to sell alcohol, this will jeopardize the protection of children and young people from harm. This area has the rank rating of **very high**; it has the **highest number of children** under the age of 16 in Leeds District (ranked **1**). The increased number of establishments selling alcohol and the subsequent proliferation of street drinkers and residents suffering from alcohol addiction normalizes the situation for children and as they grow older it sets the benchmark of what is normal in their area. We know from much peer reviewed evidence such an environment can have a strong influence on impressionable children in low-income neighborhoods and can create low aspiration amongst this peer group. **Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing** (TF. Babor et al, 2017).

Due to the high numbers of children in the area there are many schools and childcare providers some of which are listed below and are within one mile of the premises, which is located on a busy route for primary aged school children and their parents.

- Harehills Family Early Years Centre, Cowper Terrace, Harehills, Leeds LS9 7BA (0.3 miles away)
- Little Owls Nursery Harehills, Cowper Terrace, Harehills, Leeds LS9 7BA (0.8 miles away)
- Sunshine Community Nursery, 97 Harehills Rd, Harehills, Leeds LS8 5HS (0.5 miles away)
- Shepherds Lane Children's Centre, Shepherds Ln, Harehills, Leeds LS8 5AW (0.8miles away)
- Harehills Primary School, Darfield Rd, Harehills, Leeds LS8 5DQ (0.4 miles away)
- Co-op Academy Nightingale, 9 Stanley Rd, Harehills, Leeds LS9 7AX (0.2 miles away)
- Co-op Academy Woodlands, Foundry Pl, Harehills, Leeds LS9 6DA (0.5 miles away)
- Hovingham Primary School, Hovingham Ave, Harehills, Leeds LS8 3QY (0.8 miles away)
- Bankside Primary School, Shepherds Ln, Harehills, Leeds LS8 5AW (0.9 miles away)
- Brownhill Primary Academy, 54 Torre Dr, Leeds LS9 7DH (0.6 miles away)
- Ebor Gardens Primary academy, Rigton Green, Leeds LS9 7PY (0.9 miles away)
- Co-op Academy Leeds, Stoney Rock Ln, Leeds LS9 7HD (0.6 miles away)
- Co-op Academy, N Farm Rd, Leeds LS8 3LZ (0.8 miles away)

The GIPSIL - Archway Resource Centre 95 Roundhay Rd, Harehills, Leeds LS8 5AQ is also only 0.7 miles away. GIPSIL, work with vulnerable young people and have provided statements previously on the impact of off license on young people they work with.

The abundant presence of alcohol outlets, and associated marketing in children's environments may normalise alcohol as an every-day product, shift social norms in acceptability and use, and shape children's knowledge, attitudes, and beliefs. Children's home and school neighbourhood exposure to alcohol marketing (T Chambers et al.,2018).

This area has a **very high** number of young people not in education or training; it is ranked – **9 out of 107 MSOA's**. There is also a low level of educational attainment with **the highest** rate of pupils not achieving a strong pass in English and Maths and is **ranked 1 out of 107 MSOA's**. Viewed alongside this the area has the high number of looked after children and young people, which is **ranked very high - 9 out of 107 MSOAs**, which is highly concerning as they are more vulnerable to harm. These children and young people will have experienced trauma within the family home severe enough to warrant their removal from that family home. Their life experience will undoubtedly be skewed from the norm which often results in the young person engaging in harmful behaviours, one of which is alcohol drinking. 'Children living in the most deprived areas were almost five times more likely to be exposed to off-sales alcohol outlets than children in the least deprived areas' **Inequalities in children's exposure to alcohol outlets in Scotland: a GPS study – (Fiona M. Caryl et al.,2022)**.

The table below gives data provided by West Yorkshire Trading standards for Gipton and Harehills ward. The rows in grey are the totals for the years stated and then below those are the counts for Underage sales (UAS) or Counterfeit (tobacco or vapes) and along the top is the breakdown in complaints/visits for tobacco/vapes. When comparing 2022/23 to 2023/24 (even with this year being incomplete) total tobacco complaints/tobacco visits and vape visits have increased from the previous years, indicating that communities are worried about underage selling or counterfeit (tobacco or vapes).

Gipton & Harehills	Tobacco complaints	Tobacco visits	Vapes complaints	Vapes visits
All years	102	75	18	23
UAS	10	41	18	12
Counterfeit	92	34	0	11

2020-21	26	11	0	0
UAS	3	8	0	0
Counterfeit	23	3	0	0
2021-22	24	31	5	1
UAS	3	15	5	1
Counterfeit	21	16	0	0
2022-23	24	14	8	4
UAS	3	3	8	1
Counterfeit	21	11	0	3
2023-24 (incomplete)	28	19	5	18
UAS	1	4	5	10
Counterfeit	27	15	0	8

Prevention of public nuisance -

Alcohol related harm hospital stays (narrow, age std. rate) are **high** in the area – risk ranked as **14 out of 107 MSOA's** and ambulance callouts related to alcohol are also **high- 23 out of 107 MSOAs**. These are avoidable pressures to the NHS and illustrate the harm caused by easy access to cheap alcohol with un an area.

Prevention of crime and disorder -

Increasing the availability of cheap strong alcohol is strongly correlated with a higher prevalence of alcohol-related crime and disorder. This is backed up by statistics from Safer Leeds, which record the number of incidents of ASB, drunk and disorderly and violent crime stats.

Anti-social behaviour where alcohol was flagged (excluding violent crime) was **Very high** risk ranked as **4 out of 107 MSOA's**, and violent crime was **very high** and ranked **9 out of 107 MSOAs**. Statistics relating to drunk and disorderly is **very high** and ranked as being **10 out of 107 MSOA's**. These indicators both suggest a risk to public safety as well as high levels of crime and disorder in existence in the community. This will be exacerbated by the increased accessibility of alcohol.

Healthwatch and other third sector organisations prepared a report focusing on Covid 19 and issues facing the communities in Gipton and Harehills. A survey was completed by 80 people of which a third of the respondents' said crime was something they wanted to see changed in Gipton and Harehills. The issues most often referenced were street drinking and drug dealing, as well as violence and generally not feeling safe in streets and parks.

One participant stated, *"She didn't want to live in the area when her children grow up due to the amount of gang crime, anti-social behaviour, street drinkers, domestic violence and litter."*

Currently in public health we are conducting Health Needs Assessment for Gipton and Harehills and Burmantofts and Richmond Hill, many local people have talked about their worries around alcohol, noise nuisance/environmental concerns, crime and fear of crime.

I am part of the Harehills CommUNITY partnership meetings led by West Yorkshire Police and Leeds City Council, many local organisations are committed to the Clear Hold Build initiative to make Harehills a better place for communities to live, work and grow. Off license premises like Potraviny Danko undermine all the hard work and commitment that is taking place to improve the area.

Street drinking and the associated negative safety and environmental impacts on residents and businesses has been a long-standing issue in the Gipton and Harehills/Burmantofts/Richmond Hill ward.

Touchstone have been providing the TOPS (Touchstone Outreach and Prevention Service) In the Harehills area for approximately the last 2 years. This pilot funded project, works with street drinkers in the Harehills area, offering support and signposting. The group meet twice weekly in the meeting point café.

Karen Fenton, Community Health Development Services Manager, Touchstone provided a statement below.

“We work with a highly complex, vulnerable, cohort of the local population, who are often excluded from wider services, whilst managing complex lives, trauma and dependencies on drink and require person centred support. This licensed premises providing illicit tobacco and alcohol is likely to have a negative impact upon our work and the health of these individuals and a knock-on effect to the wider community in Harehills and Burmantofts and Richmond Hill Ward.”

Below is a statement provided by the lead GP partner at Chapeltown Family surgery which is situated less than a mile away from the premises.

I am writing to express my deep concern about the sale of alcohol to underage individuals within our community. As the children and families lead for the Burmantofts, Harehills and Richmond Hill PCN I have been made aware of this by the public health team but while the health implications are clear, I would like to highlight other critical reasons why I am so concerned.

- 1. **Social Responsibility:** Fundamentally we have an obligation to protect our young people. Selling alcohol to minors undermines this responsibility. By allowing access to alcohol, we inadvertently contribute to potential harm and negative consequences for these young people.*
- 2. **Risk of Dependency:** Early exposure to alcohol can lead to dependency issues later in life. Adolescents’ brains are still developing, and alcohol consumption during this crucial phase can alter brain chemistry and increase the likelihood of addiction. When looking at childhood trauma the negative consequences of alcohol misuse whilst growing up is a clearly recognised risk factor for problems throughout the life course.*
- 3. **Social Behavior and Safety:** In my experience a number of my younger patients have ended up in trouble with the police because of alcohol consumption. When minors gain access to alcohol, it can lead to risky behaviors, accidents, and even criminal activities. It is our cities ambition to create safer communities for children and young people to grow up in. Clearly curbing underage sales, we contribute to safer communities and protect both young individuals and the general public.*

Thank you for considering my concerns.

The intelligence provided above relates to the potential harm caused by alcohol within an area and viewed together creates an understanding of why this area was ranked as being an area of Leeds at high risk of alcohol related harm. Furthermore, this application also falls within a cumulative impact assessment (CIA) area. This means as a Local Authority (LA) licensing authority we have a responsibility to help limit the number or type of licence applications granted in areas where there is evidence to indicate that the number or density of licensed premises in the area is having a cumulative negative impact.

The data above shows that there are significantly higher numbers of children, vulnerable young people and those not in education or training who may seek comfort in tobacco and alcohol which we can see Potraviny Danko, provided cheap tobacco products and alcohol. It can also have a detrimental effect on health not knowing what is contained in illicit tobacco or alcohol. Providing cheap products can encourage those who are dependent on alcohol and tobacco to increase their usage and can be particularly difficult for street drinkers who are trying to curb their reliance. The area already suffers with high rates of violent crime, antisocial crime, ambulance callouts;

impacting on emergency services and the NHS which are already strained with limited resources and capacity. The 6 failed test purchases completed as well as the seizures of illegal tobacco (9840 cigarettes and 3.55kg of hand rolled tobacco) and non-duty paid alcohol (77 cases of beer) demonstrate this retailer is not acting as a responsible retailer and has repeatedly sold tobacco to under age children therefore undermining the licensing objectives.

The pandemic has undoubtedly impacted on the communities in this neighbourhood in terms of economic decline adding increased negligent selling of tobacco and alcohol to an already saturated environment to communities who are struggling with daily life, poverty and deprivation, domestic abuse, low mood, anxiety and depression is socially irresponsible and will be detrimental to child development, family life and public order.

I would therefore ask the licensing subcommittee to question what purpose will it serve to allow this premises to continue to operate?

Considering, the evidence of how local people, organisations feel; the failed test purchases and vast amount of illegal tobacco and alcohol seized I would urge the subcommittee to support the closure of this off license to avoid the potential harm to children, additional crime and disorder offences and maintain public safety.

Signed: 

Date: 08/12/2023

Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/03596/004

Your Ref:

Contact: Carmel Brennand

Tel: 0113 3785029

Fax: 0113 3367124

Email: carmel.brennand@leeds.gov.uk

Date: 7 December 2023

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Dear Sirs/Madam,

REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: POTRAVINY DANKO, 39 COMPTON ROAD, LEEDS, LS9 7BJ

Please accept this formal representation by an officer on behalf of the Licensing Authority. I am employed as a Senior Liaison & Enforcement Officer within Leeds City Council's Entertainment Licensing Section.

My duties include investigating complaints for licensed/unlicensed premises contrary to the Licensing Act 2003 as well as visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. I have delegated authority under the said Act.

This shop at this address has been licensed to sell alcohol for consumption off the premises since 8th May 2015. The initial Premises Licence was granted to [REDACTED] with permitted hours for off sales being 09:00 to 21:00 every day.

Following the grant of the Premises Licence I attended at the shop with the police Licensing Officer PC Lynn Dobson on a couple of occasions in mid 2015 to conduct an inspection under the Licensing Act 2003 but on each occasion the persons working/running the shop were rude, obstructive and were unable to state who had authorised them to sell alcohol or operate the cctv system.

I sent a warning letter to [REDACTED] advising him of findings at his shop and reminded him of the specific conditions in relation to cctv, namely:

5. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
6. The CCTV system will contain the correct time and date stamp information.
7. The CCTV system will have sufficient storage retention capacity for minimum of 31 days continuous footage which will be of good quality.

8. A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

After a 2nd warning letter and a meeting with [REDACTED] who apologised for this behaviour, I revisited the shop with PC Dobson on the 4th November 2015 and met with [REDACTED], the new leaseholder.

[REDACTED] admitted the CCTV was only recording for 24 hours. There were 4 cameras and he said he was going to install 2 new cameras; 1 inside and 1 outside. I advised him that we had been before and he apologised for the behaviour last time. I explained this was now the 3rd visit and cctv still not working. This was further to a warning letter and conversation with [REDACTED] [REDACTED] said he was going on personal licence course. I explained that when he passed the course how to apply for a Personal Licence, we discussed obtaining his CRB check and would require 2 passport photos for the application. I told him that every time he sells alcohol, it is unauthorised when the cctv is not compliant, and therefore committing offences. I explained that it used to be a fine of up to £20k and/or 6 months imprisonment, however now the fine is unlimited; that's how serious it is. When I advised [REDACTED] the cctv needs fitting this week, he said he was too busy. I advised him that this would be big problem if we come back next week and nothing done.

Part A of the Premises Licence was not available and Part B was not displayed. [REDACTED] could not prove he had been authorised to sell alcohol by [REDACTED].

It took another 2 warning letters and subsequent telephone conversations with [REDACTED] before he could confirm that matters were rectified.

On the 8th January 2016 I visited the shop again, this time with PC Crossley, the beat manager. [REDACTED] was on site and able to operate the new cctv system. The 2 tera byte system had 6 cameras and was recording for 31 days.

[REDACTED] became both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) of the subject premises on the 30th March 2016.

On the 4th May 2018 the Entertainment Licensing Section received an email from West Yorkshire Trading Standards advising that following test purchased illicit cigarettes at this shop they had attended and seized a large amount of illegal tobacco from a vehicle at the rear of the shop. At the time of their visit staff were unable to operate the cctv so asked if it was a condition and if so if I could check when next in the area?

I visited the shop on the 20th June 2018. [REDACTED] was the member of staff on site. He stated he works 5 days and the PLH and DPS [REDACTED] works the other 2. Part B of the Premises Licence was displayed. There were no proof of age posters so I gave him 2 Check 21 posters to display. Although [REDACTED] was able to operate the cctv system, footage was only available from the 3rd June. I completed an inspection sheet and gave 2 weeks to ensure the cctv was recording for 31 days.

On the 22nd June I received a telephone call from [REDACTED] who stated that the TB memory should record for more than 31 days, however the system had frozen and he has had to have the engineer back. I made arrangements to revisit on the 26th July.

I revisited the shop as arranged and [REDACTED], the PLH/DPS was on site. Although it took him some time to be able to operate the cctv system, he was finally able to show me footage from

the 26th June, and even from the 3rd June. As [REDACTED] was compliant with the Premises Licence, I could close this complaint.

I attend the Gipton & Harehills Tasking Group as part of my role. In January 2020 these premises were brought up at the Tasking meeting as attracting/selling alcohol to street drinkers. The police licensing officer PC Clifford and I attended at Potraviny Danko on the 5th February 2020 and spoke to the manager [REDACTED] about the concerns raised. He stated that they do not sell anything less than 4 cans and do not serve to anyone who is drunk and that they have banned quite a few of the street drinkers from the shop. He did say that the street drinkers congregate at the side of the Coral Betting Shop at the end of the row of shops.

I had no further dealings with this shop until I received a complaint from a Neighbourhood Police Officer on the 24th January 2022. The officer wrote:

I am emailing you in relation to a number of breaches of licence conditions at the above premises over the last month. On 18/12/2021 I attended to speak with the regarding a potential sale of alcohol to a drunk person, but no one on the premises could operate the CCTV system, they also did not have their licence clearly displayed, it was behind the main entrance door and was full concealed, also when I inspected the licence, the licence holders details were purposely taped over. I explained to the staff the licence must be clearly displayed and the holders name should not be taped up.

18/12/2021 I returned to speak with staff again and discovered the licence was barely visible and still in the same location, so they were again advised regarding this issue, but again no one was present in the store that could show me the CCTV. On speaking with our licencing department I discovered one of their conditions is they must be able to show CCTV to a designated person when requested to do so, which would put them in breach of their conditions. I eventually managed to speak with the licence holder who attended days later and showed me the CCTV, which confirmed no actual offence, and we discussed the issues regard the breaches and he assured me he would train his staff how to use the cctv.

19/01/2022-20/01/2022 I attended the store to a report from a rather drunk street drinker a male had a knife in the store, the street drinker during the incident told me he had been in the store purchasing alcohol. On speaking with staff they confirmed they had served this male, but do not recall selling alcohol, and said they did not realise he was drunk. Another issue was they again had no one to operate the CCTV so were unable to view it to establish who the suspect with the knife was. This in itself is an issue as this male was heavily intoxicated and quite visibly drunk. I have since spoken to the owner again who said he cannot train all his staff and began to challenge me on GDPR, saying he was not allowed to show the police cctv because of data protection issues.

I feel there are some issues that could do with being addressed with this premises, and suspect that they are also regularly selling to the street drinkers.

At 13:00 on the 26th January 2022, I attended at shop with PC Clifford and spoke to PLH and DPS [REDACTED]. The Part B of the Premises Licence was on the door as well as the 1st page of Part A but it had his name and address covered over. I removed the Part A page as this does not have to be displayed. I told him there 3 other pages to the Part A with the conditions on and they all need to be put together and kept in the office or under the counter so that when an officer asks for them, they can be found. I also told him that the £180 annual fee due since May 2021 had not been paid which meant the Premises Licence was suspended. I gave him the details how to pay online. We discussed selling to street drinkers with [REDACTED] refuting this and argued that he has barred many of them. The cctv now has 8 cameras with footage going back to the 31st December. [REDACTED] said the engineer has been and fitted a new hard drive, new cameras and will do 31 days. I told him we will revisit.

On the 11th February I was working with officers from the NPT conducting visits to off licences in the Harehills area. We arrived at this shop at 11:35 to find 2 members of staff, [REDACTED] and [REDACTED] working. I first mentioned the outstanding annual fee which [REDACTED] paid on line then and there. We then discussed the street drinkers and the effect on the local residents. The staff were adamant they do not sell to them. I advised them to get a page a day diary and record all refusals in it as this would show their due diligence and refute any such claims. [REDACTED] was able to operate the cctv which goes back to the 31st of December so now all in order. Advised if the PLH/DPS or herself are going away other staff need to be able to work the cctv. [REDACTED] said she will teach them.

On the 29th March 2022 I was working with PC Clifford visiting off licences in the Harehills area and speaking to operators regarding their responsibilities under the Licensing Act. [REDACTED] was on site and again adamant they refuse – instead he pointed at [REDACTED] on the same parade of shops. When we checked the cctv, there were a couple of video links out on the system so the engineer was coming out again, although [REDACTED] could still access it on his phone.

On the 16th June 2023 I took part in a multi-agency operation visiting shops in the Harehills area. At 13.45 pm I visited Potraviny Danko in company with colleagues from West Yorkshire Police. Officers from His Majesty's Revenue & Customs (HMRC) and Trading Standards were already on site.

A police officer already on site told us that the PLH/DPS [REDACTED] had been called a couple of hours prior requesting receipts for some of the alcohol but he had yet to turn up. The officer also advised that the electric had been bypassed so British Gas were on their way to cut the supply off as it was not safe.

HMRC were seizing alcohol which they believed duty had not been paid. I spoken to [REDACTED] the only member of staff on duty. The Part B of the Premises Licence was displayed on the outside of the entrance door. I told him this was a legal document and should be inside the premises where members of the public can see it. Suggested behind the counter but he was concerned that the A4 page would obscure some stock. When I asked for Part A of the Licence he wasn't sure what I meant even though I told him it was probably under the counter. He was unable to find it.

The Part A of a Premises Licence can be several pages and includes the same information as the Part B but also the terms and conditions which must be complied with to sell alcohol or carry on any other licensable activities. If it is not available to staff on site, how can they ensure that they are complying with all the conditions on the Licence?

Section 57 of the Licensing Act 2003 states:-

- (1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.
- (2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of—
 - (a) the holder of the licence, or
 - (b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.
- (3) The holder of the premises licence must secure that—
 - (a) the summary of the licence or a certified copy of that summary and and

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),

are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

Hersh was a bit agitated and even more so when I asked if he could show us 31 days ago on the cctv. He said he could not operate it.

I completed an inspection sheet giving 2 weeks to locate the Part A of the Premises Licence and for staff to be able to operate the cctv.

When there is a breach of Premise Licence conditions any sales of alcohol become an offence under Section 136 of the Licensing Act 2003, namely:

(1) *A person commits an offence if -*

- (a) *he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- (b) *he knowingly allows a licensable activity to be so carried on.*

(4) *A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.*

(5) *In this Part "authorisation" means -*

- (a) *a premises licence,*
- (b) *a club premises certificate, or*
- (c) *a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.*

Whilst we were still in the shop the officer arrived with the sniffer dog who identified a large concealment of packets of cigarettes.

At 10:25 am on 19th July 2023 I revisited the premises in company with PC Haywood. [REDACTED] was working on site. I showed her a copy of the inspection sheet I had given [REDACTED]. She looked for Part A of the Premises Licence but could not find it. When I asked her if we could look at the cctv, she rang [REDACTED]. After speaking to him she told us that it was only recording for a week. There had been some sort of fault so a new hard drive had been fitted. I gave her my business card and told her to tell [REDACTED] to email me regarding a duplicate Licence. [REDACTED] emailed me the following day.

At 13:50 on 15th August PC Haywood and I returned to the shop. Again [REDACTED] was working and able to show us cctv footage from the 16th July so now compliant. She said she had paid £10.50 for the duplicate Licence. I told her it would be sent out soon and told her it needed to be kept at the shop so it can be produced when an officer asks to see it.

I was in the area on the 23rd August and popped into the shop. [REDACTED] was able to find the Part A of the Licence under the counter. Both issues now rectified.

West Yorkshire Police conducted test purchases at these premises on the 13th September 2023 and members of staff sold alcohol to a child. This member of staff has committed an offence under Section 146 and the Premises Licence Holder and Designated Premises Supervisor and/or other managers have potentially committed offence under Section 147 of the Licensing Act 2003, namely:-

This is an offence under Sections 146 & 147 of the Licensing Act 2003 :

146 Sale of alcohol to children

- (1) *A person commits an offence if he sells alcohol to an individual aged under 18.*
- (4) *Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—*
- (a) he believed that the individual was aged 18 or over, and*
 - (b) either— (i) he had taken all reasonable steps to establish the individual's age, or (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.*
- (5) *For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—*
- (a) he asked the individual for evidence of his age, and*
 - (b) the evidence would have convinced a reasonable person.*
- (6) *Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.*
- (7) *A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

147 Allowing the sale of alcohol to children

- (1) *A person to whom subsection (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18.*
- (2) *This subsection applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale.*
- (5) *A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

It is clear from the serious and continuous breaches of the Licensing Act 2003 and the seizures of illicit alcohol and tobacco that [REDACTED] is not a responsible retailer. He has failed to comply with a variety of legislation and is unconcerned about the impact his business has on the immediate community. It is clear that he has failed to operate responsibly in upholding the objectives; the prevention of crime and disorder and the protection of children from harm and I therefore support the review being brought by West Yorkshire Police.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Elections and Regulatory Services

Civic Hall
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Our Ref: A80/CB/LIC/PREM/03596/004

Your Ref:

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Date: 14 December 2023

Dear Sirs/Madam,

REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: POTRAVINY DANKO, 39 COMPTON ROAD, LEEDS, LS9 7BJ

Further to my representation of the 7th December, please see attached documents referred to therein.

Exhibit CB 1 – A copy of the inspection sheet completed during the visit to the premises on the 16th June 2023, which was signed by the member of staff [REDACTED] before being given a copy of it.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing

Enforcement Powers and Offences - Licensing Act 2003

Section 136 – Unauthorised licensable activities

- (1) A person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.
- (5) ... "authorisation" means –
 - (a) a premises licence,
 - (b) a club premises certificate, or
 - (c) a temporary event notice in respect of which the conditions of section 92(2) to (4) are satisfied.

Summary of other offences (Licensing Act 2003) (not exhaustive):

Unauthorised licensable activities

- section 137 Exposing alcohol for unauthorised sale
- section 138 Keeping alcohol on premises for unauthorised sale etc.

Drunkenness and disorderly conduct

- section 140 Allowing disorderly conduct on licensed premises etc.
- section 141 Sale of alcohol to a person who is drunk
- section 142 Obtaining alcohol for a person who is drunk
- section 143 Failure to leave licensed premises etc.

Smuggled goods

- section 144 Keeping of smuggled goods

Children and alcohol

- section 145 Unaccompanied children prohibited from certain premises
- section 146 Sale of alcohol to children
- section 147 Allowing the sale of alcohol to children
- section 147A Persistently selling alcohol to children
- section 147B Order suspending a licence in respect of offence under section 147A
- section 149 Purchase of alcohol by or on behalf of children
- section 150 Consumption of alcohol by children
- section 151 Delivering alcohol to children
- section 152 Sending a child to obtain alcohol
- section 153 Prohibition of unsupervised sales by children
- section 154 Enforcement role for weights and measures authorities

Confiscation of alcohol

- section 155 Confiscation of sealed containers of alcohol

False statements relating to licensing etc

- section 158 False statements made for the purposes of this Act

Powers of Entry

- section 179 Rights of entry to investigate licensable activities (available to a constable or authorised person).